

Stephen F. Hehl

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www.lawjw.com

June 19, 2020

Via Hand Delivery & Electronic Mail

City of Linden Planning Board CITY HALL 301 N. Wood Avenue Linden, New Jersey 07036

Attn: Marilyn Coplan, Board Secretary

MCoplan@linden-nj.org

Re: Preliminary & Final Site Plan Application

Applicant: Linden Hawk Rise Solar, LLC

Property: 1451 Lower Road (Block 581, Lot 11.03)

1801 Lower Road Rear (Block 581, Lot 17)

Our File No.: 20-000576

Dear Ms. Coplan:

This office represents the applicant, Linden Hawk Rise Solar, LLC, in connection with the property located at 1451 Lower Road (Block 581, Lot 11.03) and 1801 Lower Road Rear (Block 581, Lot 17).

Enclosed for filing, please find twenty (20) collated sets containing the following:

- Linden Planning Board Site Plan Application, containing the following application pages and supplemental documents:
 - Application for Formal Site Plan;
 - Site Plan Checklist:
 - Affidavit of Ownership & Property Owner Authorization;
 - Corporation Disclosure Affidavit;
 - Statement of Principal Points; and
 - List of Applicant's Representatives & Professionals; and

Ms. Marilyn Coplan, Board Secretary Linden Hawk Rise Solar, LLC June 19, 2020 Page **2** of **3**

- Preliminary and Final Major Site Plan, prepared by Carrol Engineering, dated June 15, 2020, consisting of the following ten (10) sheets:
 - Sheet 1 of 10: Cover Sheet (Drawing Number 200.4232);
 - Sheet 2 of 10: Existing Features Plan (Drawing Number 200.4237);
 - Sheet 3 of 10: Site Plan (Drawing Number 200.4232);
 - Sheet 4 of 10: Site Plan (Drawing Number 200.4232);
 - Sheet 5 of 10: Grading Plan (Drawing Number 200.4232);
 - Sheet 6 of 10: Soil Erosion and Sediment Control Plan (Drawing Number 200.4232):
 - Sheet 7 of 10: Soil Erosion and Sediment Control Plan (Drawing Number 200.4232);
 - Sheet 8 of 10: (Soil Erosion and Sediment Control Notes and Details (Drawing Number 200.4232);
 - Sheet 9 of 10: Construction Details (Drawing Number 200.4232): and
 - Sheet 10 of 10: Construction Details (Drawing Number 200.4232).

Also enclosed, please find one (1) of each of the following:

- Form W-9;
- Fee Schedule:
- Adopted Municipal Landfill Redevelopment Project Redevelopment Plan;
- Certified List of Property Owners for the City of Linden, dated June 9, 2020;
- Certified List of Property Owners for the Borough of Carteret, dated June 10, 2020;
 and
- Certified List of Property Owners for the Township of Woodbridge, dated June 15, 2020.

Please be advised that two (2) checks, each made payable to the City of Linden, in the following amounts will be submitted to your office under separate cover:

- (1) \$4,000.00 representing the Application Filing Fee; and
- (2) \$10,000.00 representing the Escrow Deposit.

Electronic copies of the above-listed materials can be viewed / downloaded here:

https://www.dropbox.com/sh/d9bzfe8z6wfu1z0/AABblP7inCuRDT9MEfQWBq_za?dl=0

After the enclosed materials have been reviewed, please confirm that the Application is "complete" and can be scheduled for the Planning Board's next available public meeting date.

Ms. Marilyn Coplan, Board Secretary Linden Hawk Rise Solar, LLC June 19, 2020 Page **3** of **3**

If you have any questions or should you require any additional information, please do not hesitate to contact this office.

Thank you for your attention to this matter.

Very truly yours,

/s/Joshua J. Koodray

JOSHUA J. KOODRAY

JJK

Enclosures

cc: Ni

Nicholas J. Pantina, PE, CME, CPWM, City Engineer

Paul N. Ricci, AICP, PP, Board Planner

Mark Ritacco, Zoning Officer Linden Hawk Rise Solar, LLC

Carrol Engineering

Stephen F. Hehl, Esq., Applicant's Attorney

NPantina@linden-nj.org Paul@ricciplanning.com MRitacco@linden-nj.org

ALL COMPLETED MAPS MUST BE FILED 21 DAYS PRIOR TO THE MEETING

If plans are not complete, application will be heard at the next available meeting PLEASE SPEAK TO THE COURT REPORTER REGARDING YOUR TRANSCRIPT FOR THE

<u>MEETING!!.</u> 20 plans must be submitted (**speak to secretary**) to the Planning Board Office.

<u>APPLICATION FOR FORMAL SITE PLAN</u>

Application #Received by	Date fil <u>ed</u> Fee			
To: City of Linden Planning Board Application is hereby made for Site Plan approval in accordance with the provisions of the City of Linden Zoning Ordinance and more particularly described:				
1. Location of remises (1) 1451 Lower Road; and (2) 1801 Lower Road Rear (Street)				
(1) 581 11.03 (2) 581 17	120 120			
Tax map block) (Lot number) Zone HI (Heavy Industrial) / Municipal Landfill Redevelopment	(Map sheet number) ht Project Area			
2. Owner's Name_City of Linden	Phone#908-474-8493			
Address Linden City Hall - 301 North Wood Avenue,	Linden, New Jersey 07036			
3. Applicant's Name <u>Linden Hawk Rise Solar, LLC c/o John Ervin, Director (732-354-2184)</u> (If a corporation - state name of corporation and registered Agent)				
Address2045 Lincoln Highway, Edison, New Jersey 08817				
4. Proposed Use Solar array and switch gear equipment				
N/A (building floor area proposed) (n	N/A o.of employees)			
(1) Lot 11.03: 6,094,026 SF (139.900 AC	SunitsN/A			
5. Area of entire tract (2) Lot 17: 1,498,864 SF (34.409 AC)	Zone HI (Heavy Industrial) / Municipal Landfill Redevelopment Project Area			
6. Brief explanation of request: <u>See attached Statement of Princ</u>				
7. Prior Use <u>Landfill (no change proposed)</u>				
8. List of all variances (if applicable by Ordinance Section)_	N/A - No variances and/or deviations			
are being sought as a part of this application				
9. Applicant must give notice of HEARING if VARIANCE	is required as per 40:55D-7.1(a)			
10. Applicant agrees to Waiver of Time for action by Board: NAME AND ADDRESS OF PERSON PREPARING I				
Architect N/A	PhoneNo			
Engineer Thomas J. Fik, PE (24GE04591700) / Carroll Engineering	Phone No. 908-874-7500			
Signature Owner Property Owner's Certification is attached	ed			
APPLICANT John Ervin, Director - Linden Hawk Rise Solar,	LLC			
(do not write below this Action of Planning Board:	line)			
Approved Waived Disapproved_ Signature of Planning Board Chairman and Secretary if applic	Date			

ALL PLANS MUST BE IN BY 12:00 P.M. 21 DAYS BEFORE THE MEETING. IF NOT, THE APPLICANT WILL MAKE THE NEXT AVAILABLE MEETING DATE

SITE PLAN CHECK LIST

All plans shall be submitted fifteen (15) days prior to the Zoning Board of Adjustment meeting.

,	APPLICANT	ZONING BOARD
1. Location of site, name, address of owners(s) of record;	X	
Names and addresses of abutters on the plan and on a separate sheet of paper;	X	
3. Name and address of person(s) or firm preparing drawing;	X	
4. Bar scale of map (1" = 20") and North point; (1"=60")	X	
5. Lot area and Boundary description;	X	1
6. Map and lot number;	X	
7. Easement(s) or Right of way;	X	
8. Individual square feet of all building on site;	N/A	
9. Total square feet of all buildings on sitr;	N/A	
 Proposed structure, shape, height, size, location including expanding existing building(s); 	N/A	
11. Proposed curb cut(s);	N/A	
12. Proposed street(s) and/or driveway(s);	N/A	
13. Parking spaces existing and/or proposed;	X	
14. Setback lines (front, side, rear);	X	
15. Drainage plan;	N/A	No.
16. Topographic map (based on datum plane established by USGA);	X	Andrew Control of the
17. Location of public and private utilities;	X	
18. Existing or proposed septic, leach field and well locations;	N/A	
19. Soil based lot size study (when applicable):	N/A	
20. Proposed landscape plan;	N/A	
21. Dumpster location;	N/A	
22. Proposed lighting;	N/A	
23. Location of all natural or manmade features (wetlands, marshes, ponds, etc);	X	

24. Location of loading bays and/or docks;	N/A	
25. Sign location;	N/A	
26. Vicinity map;	X	
27. A copy of all applicable City, State, and Federal Permits;	Pending	
28. Planning / Zoning Board approval block:		
The Zoning Board of Adjustment, in accordance with the City of Lind	en Site Plan Regulations	s, approves this plan.
Date:		
Signed:	X	
Secretary of the Board		×
29. Registered stamp and signature of surveyor/engineer/architect	X	
OTHER STUDIES (When applicable)		
a. Fiscal Impact Statement	N/A	
b. Traffic Analysis	N/A	
c. Wetlands Analysis	X	
d. Soil Erosion Study Somerset-Union SCD	X	
e. Other studies and/or investigation as warranted by the application		

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AFFIDAVIT OF OWNERSHIP & AUTHORIZATION

I, Derek Arı	nstead, Mayor of the City of Linde	en, of full age, being duly sworn		
according to law, do hereby certify that I am the [] or [\sqrt{]} duly authorized officer of the owner				
(as listed on the application form) of the following property which is the subject of the within				
application to the City	of Linden Planning Board:			
Block & Lot:	Block 581, Lot 11.03; and			
	Block 581, Lot 17			
Street Address:	1451 Lower Road; and			
	1801 Lower Road Rear			
As the owner	or duly authorized officer of the own	er, I am not the Applicant. I certify		
that I have reviewed a	and consent to the within application	and that the information contained		
herein is true and corn	ect to the best of my knowledge. I at	athorize the following entity/individual		
to act as the Applican	t is making this application:			
Authorized Individua	l/Entity:	Linden Hawk Rise Solar, LLC		
Authorized Individua	/Entity Interest in the Property:	Redeveloper / Lessee		
		ouk Climption C		
	Derek	Armstead, Mayor - City of Linden		

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Notary Public

CORPORATION DISCLOSURE AFFIDAVIT

PURSUANT TO THE REQUIREMENTS OF N.J.S.A. 40:55D-48.1 ET SEQ., I, ERIC K. MILLARD, CHIEF COMMERCIAL OFFICER, HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND COMPLETE LIST OF THE NAMES AND ADDRESSED OF ALL INDIVIDUALS WHO OWN TEN PERCENT (10%) OR MORE STOCK OR OTHER INTEREST IN LINDEN HAWK RISE SOLAR, LLC., WHICH IS A LIMITED LIABILITY CORPORATION WITH A PROPERTY INTEREST IN THE PROPERTIES LOCATED AT 1451 LOWR ROAD (BLOCK 581, LOT 11.03) AND 1801 LOWER ROAD REAR (BLOCK 581, LOT 17), CITY OF LINDEN, COUNTY OF UNION, STATE OF NEW JERSEY, FOR WHICH A PRELIMINARY AND FINAL SITE PLAN APPLICATION HAS BEEN FILED WITH THE CITY OF LINDEN PLANNING BOARD. I FULLY UNDERSTAND THAT FAILURE TO DISCLOSE ANY AND/OR ALL OWNERSHIP PARTIES WITH TEN PERCENT (10%) OR MORE INTEREST IN THE CORPORATION / PARTNERSHIP OR DELIBERATELY MISREPRESENTING ANY FACTS THEREON IS SUFFICIENT GROUNDS FOR DISAPPROVAL OF THE APPLICATION BY THE ENGINEERING DEPARTMENT AND CAN RESULT IN A FINE AS PROVIDED FOR BY THE STATUTE.

NAME & TITLE
Hathaway Solar, LLC

ADDRESS 2045 Lincoln Highway Edison NJ 08817 % OF STOCK OR OTHER OWNERSHIP INTEREST 100% Member Interest

Ganali Santingo Boscan NOTARY PUBLIC

DATE: 6/12/2020

LINDEN HAWK RISE SOLAR, LLC

Cric K. Millard

BY: Eric Millard, Chief Commercial Officer

DATE: 6/12/20

DIANALIZ SANTIAGO-BORGAN NOTARY PUBLIC OF NEW JERSEY Comm. # 50071537 My Commission Expires 11/13/2022 **APPLICANT:**

LINDEN HAWK RISE SOLAR, LLC

PROPERTY:

1451 LOWER ROAD (BLOCK 581, LOT 11.03)

1801 LOWER ROAD REAR (BLOCK 581, LOT 17)

ZONE DISTRICT: MUNICIPAL LANDFILL REDEVELOPMENT PROJECT AREA

STATEMENT OF PRINCIPAL POINTS

The applicant, Linden Hawk Rise Solar, LLC (the "Applicant"), submits the subject application seeking preliminary and final site plan approval (the "Application") in connection with the property located at 1451 Lower Road and 1801 Lower Road Rear, Linden, further identified as Block 581, Lots 11.03 and 17, respectively on the Tax Maps of the City of Linden (the "Property" or the "Site"). The Site, which is commonly identified as the Linden Landfill (the "Landfill"), is in the Municipal Landfill Redevelopment Project Area (the "Redevelopment Area") and is governed by the Municipal Landfill Redevelopment Project Redevelopment Plan (the "Redevelopment Plan"). The Property is owned by the City of Linden, which has consented to the Application.

The City of Linden is actively managing / monitoring the Landfill, which was closed in the year 2000, as part of the NJDEP's mandatory "post-closure care" period. The City has borne all costs associated with the post-closure operation, maintenance and repair efforts, without receiving any offsetting revenue in return. As such, these efforts have cost the City millions of dollars over the past decade. In 2019, the City of Linden commenced a public bidding process for the solar redevelopment of the Landfill. The ground lease for the development, construction and operation of a solar facility on the Landfill was awarded to the Applicant, an affiliate entity of CS Energy, a landfill solar contractor.

As is depicted on the Site Plan, the proposed solar array will be placed on top of the Landfill's vegetative cover and will not disrupt any of its existing safety controls or environmental cap. Solar arrays are principally permitted land uses in the Redevelopment Area. See Redevelopment Plan, Section IV.A. Importantly, there are no administrative or developmental

capital costs required from the City. The Applicant will develop, engineer, construct, operate and maintain the facility for twenty (20) years pursuant to the ground lease. The City will receive annual rent payments of \$275,000, which should offset the operational expenses associated with the Landfill. Upon the expiration of the ground lease, the Developer will remove the system.

In addition, the proposed solar project will participate in the State's Community Solar Pilot Program, which is in its inaugural year. When complete, the proposed solar project will generate power that will supply residents with electricity. The goal of the community solar program is to provide access to households that desire to have electric from solar power but are unable due to their living situation. For example, apartment buildings, rented dwellings, locations with unsuitable roofs, financing, etc. With the community solar program, the electricity will be generated at the Landfill and will appear on the energy bill of participating residents, amounting in a savings to their electricity bill. Overall, the electric savings to the participants will be approximately \$150,000 annually.

This Application represents an opportunity to transform a long-underutilized parcel into an asset for the City of Linden and its citizens. The proposed solar array is principally permitted in the Redevelopment Area. The Application fully complies with the Redevelopment Plan's zoning requirements. There are no negative aspects associated with the Application. The Applicant will provide the requisite expert testimony demonstrating that the proposed solar project will not negatively impact the public interest nor the intent and purpose of the Zoning Ordinance or Master Plan. For these reasons, as well as those the Applicant may introduce through testimony and other evidence at the public hearing on this matter, the Applicant respectfully requests that the Planning Board grant this Application.

APPLICANT:

LINDEN HAWK RISE SOLAR, LLC

PROPERTY:

1451 LOWER ROAD (BLOCK 581, LOT 11.03)

1801 LOWER ROAD REAR (BLOCK 581, LOT 17)

ZONE DISTRICT: MUNICIPAL LANDFILL REDEVELOPMENT PROJECT AREA

LIST OF APPLICANT'S REPRESENTATIVES & PROFESSIONALS

1. Attorney:

Stephen F. Hehl, Esq.

Hehl Offices of Javerbaum Wurgaft Hicks Kahn Wiskstrom & Sinins, P.C.

370 Chestnut Street

Union, New Jersey 07083

908-687-7000 SHehl@lawjw.com

2. Applicant's Representative:

John Ervin, Director

Linden Hawk Rise Solar, LLC

2045 Lincoln Highway Edison, New Jersey 08817

732-354-2184

JErvin@csenergy.com

3. Civil Engineer:

Thomas J. Fik, P.E. (24GE04591700)

Carrol Engineering

105 Raider Boulevard, Suite 206 Hillsborough, New Jersey 08844

908-874-7500

TFik@carrollengineering.com

4. Professional Planner:

TBD